

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

Index No.: \_\_\_\_\_/19

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**VANESSA SMITH,**

**Plaintiffs designate  
KINGS COUNTY  
as place of trial.**

**Plaintiffs,**

**-against -**

**The basis of venue is  
Defendant's principal  
place of business**

**DIOCESE OF BROOKLYN and OUR LADY  
OF VICTORY,**

**Defendants.**

**SUMMONS**

**Plaintiff's residence  
address is 30 Ginger Lane,  
Willingboro, NJ 08046**

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To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
KINGS COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**DIOCESE OF BROOKLYN**  
310 Prospect Park West,  
Brooklyn, NY 11215

**OUR LADY OF VICTORY**  
583 Throop Avenue  
Brooklyn, NY 11216

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

Index No.: \_\_\_\_\_/19

-----X

**VANESSA SMITH,****Plaintiffs,****-against -****VERIFIED  
COMPLAINT****DIOCESE OF BROOKLYN and OUR LADY  
OF VICTORY,****Defendant.**

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Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,****PLLC.,** respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of a plaintiff Vanessa Smith who was sexually abused as a child by Sister Maria at and of Our Lady of Victory and the Diocese of Brooklyn ("Diocese").
2. Sister Maria was a nun at Our Lady of Victory in Brooklyn, New York which was part of the Diocese. Sister Maria was known among the community and the children as a sexual predator.
3. Despite Sister Maria's reputation as a sexual predator to young children, she continued to be a nun under the supervision and control of the Diocese of Brooklyn and Our Lady of Victory.
4. The Diocese and Our Lady of Victory knew or should have known Sister Maria sexually abused children and/or had the propensity to sexually abuse children.

5. In approximately 1967 when Ms. Smith was approximately seven years old, Sister Maria, while acting under the scope of her employment with the Diocese and on behalf of the diocese, sexually abused Ms. Smith approximately seven times.
6. Ms. Smith brings this lawsuit to recover for the emotional and physical suffering they incurred because of the negligence of the Diocese of Brooklyn and Our Lady of Victory and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

### PARTIES

7. At all times herein mentioned defendant **DIOCESE OF BROOKLYN** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.
9. At all times herein mentioned, Sister Maria was a nun operating under the direction and control of defendant **DIOCESE OF BROOKLYN**, and its agents, servants and/or employees.
10. At all times herein mentioned, Sister Maria was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.
11. At all times herein mentioned defendant **OUR LADY OF VICTORY** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **OUR LADY OF VICTORY** was located at 583 Throop Avenue, Brooklyn, New York 11216.



13. At all times herein mentioned, Sister Maria was a nun operating under the direction and control of defendant **OUR LADY OF VICTORY**, and its agents, servants and/or employees.
14. At all times herein mentioned, Sister Maria was an agent, servant and/or employee of defendant **OUR LADY OF VICTORY**.
15. At all times herein mentioned, Defendants **DIOCESE OF BROOKLYN** and Defendant **OUR LADY OF VICTORY** were agents, servants, employees, and/or alter egos of each other

#### **FACTS OF THE CASE**

16. Defendants **DIOCESE OF BROOKLYN's** and **OUR LADY OF VICTORY's** negligence and recklessness caused Sister Maria to have access to children, including on Diocese premises, despite its knowledge that Sister Maria sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **DIOCESE OF BROOKLYN's** and **OUR LADY OF VICTORY's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Sister Maria. Defendants **DIOCESE OF BROOKLYN's** **OUR** and **LADY OF VICTORY's** gross negligence, reckless, wanton, and/or willful conduct warrants punitive liability.
17. Sister Maria was a nun at Our Lady of Victory in Brooklyn, New York.
18. Sister Maria would sexually abuse Ms. Smith by putting her hands in Ms. Smith's underwear and fondling and penetrating her vagina.
19. The abuse occurred in a classroom during class at Our Lady of Victory in Brooklyn, New York.

20. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **DIOCESE OF BROOKLYN's** and **OUR LADY OF VICTORY's** negligence in undertaking a duty to keep patrons, including young children, of its parishes safe from predators and failing to act in accord with that duty by allowing Sister Maria, a known predator, to continue her role and position of authority where she would continue to have the opportunity to prey on young children and/or allowing Sister Maria to continue to have her position of authority and power, and the diocese failed to adequately supervise Sister Maria.

**AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO THE DIOCESE OF BROOKLYN**

21. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 20., inclusive, with the same force and effect as if hereinafter set forth at length.
22. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes and schools safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Sister Maria.
23. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
24. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries,

emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

25. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
26. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
27. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
28. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO OUR LADY OF VICTORY**

29. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 28., inclusive, with the same force and effect as if hereinafter set forth at length.
30. At all times mentioned herein, defendant **OUR LADY OF VICTORY** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes and schools safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Sister Maria.
31. At all times mentioned herein, defendant **OUR LADY OF VICTORY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.



32. As a result of the negligence of defendant **OUR LADY OF VICTORY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
33. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
34. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
35. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
36. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS TO THE DIOCESE OF BROOKLYN**

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 36., inclusive, with the same force and effect as if hereinafter set forth at length.
38. Defendant **DIOCESE OF BROOKLYN**, had a duty to supervise and prevent known risks of harm to patrons of its parishes and students by its clergymen and breach this duty.
39. Defendant was negligent in hiring, retaining and supervising their personnel, such as Sister Maria, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of nuns and church



officials who should have properly been supervising the priests to ensure the safety of the children of the parishes and students.

40. Defendant **DIOCESE OF BROOKLYN** knew or should have known Sister Maria sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
41. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
42. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
43. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
44. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
45. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO OUR LADY OF VICTORY**

46. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 45., inclusive, with the same force and effect as if hereinafter set forth at length.
47. Defendant **OUR LADY OF VICTORY**, had a duty to supervise and prevent known risks of harm to patrons of its church and students by its clergymen and breach this duty.

48. Defendant was negligent in hiring, retaining and supervising their personnel, such as Sister Maria, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of nuns and church officials who should have properly been supervising the priests to ensure the safety of the children of the church and students.
49. Defendant **OUR LADY OF VICTORY** knew or should have known Sister Maria sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
50. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
51. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
52. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
53. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
54. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AS TO THE DIOCESE OF BROOKLYN**

55. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 54., inclusive, with the same force and effect as if herein set forth at length.
56. Defendant **DIOCESE OF BROOKLYN** and its agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Sister Maria, the nun who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
57. Defendant **DIOCESE OF BROOKLYN** and its agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
58. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Sister Maria
59. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Sister Maria sexually abusing Plaintiff.
60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
61. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AS TO OUR LADY OF VICTORY**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if herein set forth at length.



63. Defendant **OUR LADY OF VICTORY** and its agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Sister Maria, the nun who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant **OUR LADY OF VICTORY** and its agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Sister Maria
66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Sister Maria sexually abusing Plaintiff.
67. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
68. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.:

\_\_\_\_\_/19

VANESSA SMITH,

*Plaintiff,*

-against -

**ATTORNEY  
VERIFICATION**DIOCESE OF BROOKLYN and OUR LADY  
OF VICTORY,*Defendants.*

-----X  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirm ant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



JORDAN K. MERSON

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Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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VANESSA SMITH,

*Plaintiff,*

*- against -*

DIOCESE OF BROOKLYN and OUR LADY OF  
VICTORY,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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